

**THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Troy K. Scheffler,

Civil Case No. \_\_\_\_\_

Plaintiff(s),

**NOTICE OF REMOVAL**

vs.

First National of Nebraska, Inc.,

Defendant(s).

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**TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA:**

**PLEASE TAKE NOTICE THAT**, pursuant to 28 U.S.C. Sections 1331, 1441(a), and 1446, Defendant First National Nebraska, Inc. a (“**Defendant**”) hereby removes the action entitled *Troy K. Scheffler, v. First National Nebraska, Inc.*, before the Crow Wing County Court, Ninth Judicial District, City of Brainerd, State of Minnesota, Court File No. n/a (the “**Action**”), to the United States District Court for the District of Minnesota on the following grounds:

1. On June 12, 2019, Defendant was personally served with a copy of the Summons and Complaint in the Action.

2. Defendant has timely filed this Notice of Removal within 30 days of receiving service of the Summons and Complaint. *See* 28 U.S.C. § 1446(b).

3. In the Complaint, Plaintiff has brought claims against Defendant under the Telephone Consumer Protection Act, 47 U.S. § 227(b)(1)(A)(iii) seeking damages of \$7,500.00 for alleged phone calls from Defendant’s automatic dialer after Plaintiff

withdrew consent to call his cellular phone.

4. This Court has original jurisdiction over the Action under 28 U.S.C. §§ 1331 and 1441 and the Action is removable to this Court by the Defendant pursuant to the provisions of 28 U.S.C. § 1441(a) and (b) in that it is a civil action arises under the constitution and laws of the United States.

5. This Court is the proper district court for removal because the District Court, Ninth Judicial District, County of Crow Wing is located within the United States District Court for the District of Minnesota.

6. A true and correct copy of all pleadings served upon Defendant in the Action, which includes the Summons and Complaint, are attached hereto as Exhibit A.

7. Defendant is simultaneously filing a copy of this Notice of Removal of Action with the state court in the Action. Defendant will serve Plaintiff with copies of this Notice of Removal and the Notice filed in the Action.

8. By virtue of this Notice of Removal of Action and the Notice filed in the Action, Defendant does not waive its rights to assert any personal jurisdictional defense or other motions including Rule 12 motions permitted by the Federal Rules of Civil Procedure.

**GOERLITZ LAW, PLLC**

Date: July 2, 2019

By: /s/ Jared M. Goerlitz

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